

### **REMARKS**

Prior to entry of the foregoing amendment, Claims 1-12 were pending in the application with Claims 1 and 11 being independent claims and the remaining claims (Claims 2-10 and 12) being dependent claims. Claims 2-3 and 7-8 were canceled without prejudice or disclaimer. New dependent claims 13-16 were added. Accordingly, upon entry of the foregoing amendment, Claims 1, 4-6 and 9-16 are pending, with Claims 1 and 11 being independent claims and the remaining claims (4-6, 9-10 and 12-16) being dependent claims.

### **Rejections Under 35 U.S.C. § 101**

The Office Action rejected Claim 12 under 35 U.S.C. § 101 stating that “although the control program is capable of being executed by a computer, by itself is merely a computer listing or data structure per se and not statutory because it is not capable of causing functional change in the computer.” Claim 12 has been amended to recite “a storage medium storing a control program...” As confirmed in *In re Beauregard* (1995) claims such as amended Claim 12 directed towards a storage medium meet the requirements of 35 U.S.C. § 101 of statutory subject matter.

Accordingly, Applicants request reconsideration and withdrawal of the rejection of Claim 12 under 35 U.S.C. § 101.

### **Rejections Under 35 U.S.C. §§ 102 and 103**

The Office Action rejected Claims 1-2, 6 and 11 under 35 U.S.C. § 102(e) as being anticipated by Hua et al. (U.S. Patent No. 7,127,120) (hereinafter, the “Hua et al. reference”).

The Office Action rejected Claims 3-5 and 7-10 under 35 U.S.C. § 103(a) as being unpatentable over the Hua et al. reference in view of Moore et al. (U.S. Patent 7,102,643) (hereinafter, the “Moore et al. reference”).

The Hua et al. reference discloses that when editing a video, metadata extraction module 208 extracts importance measures and some characteristics such as motion intensity of sub-shots (equivalent to “scenes” in the present

invention) as metadata. It also discloses a structure to extract a transition effect based on a similarity of two sub-shots to which the transition effect is applied, and fuse the two sub-shots by adding the transition effect.

The Moore et al. reference discusses a structure to extract, in a presentation using a slideshow, a transition effect according to display configuration states of two slides to which the transition effect is applied. Also, it discusses that there are a plurality of tables indicating relationship between the display configuration states of the two slides and the transition effect to be added, and each table is categorized under separate titles such as “effect” and “feeling.”

One of the features of the present invention is to extract a transition clip based on event information indicating theme (such as a child's athletic festival, birthday party, and wedding ceremony, reception [e.g., opening, toast, cutting a cake]) of a scene and object information indicating people and objects appearing in two scenes sandwiching the transition clip. Having this feature, the present invention can add an effective transition effect according to a change in two scenes and a relationship among objects and people.

On the other hand, the Hua et al. reference does not teach or suggest a structure to extract a transition effect based on a theme of the two sub-shots or who and what was in the two sub-shots. The Hua et al. reference teaches a structure to extract a transition effect by referring to similarity between the two sub-shots, therefore cannot provide same effect as the present invention which is to add an effective transition effect according to a change in two scenes and an a relationship among objects and people.

Similarly, in the Moore et al. reference, even though it discusses a plurality of transition effect matrices categorized under separate titles such as “effect” and “feeling,” a transition effect is extracted based on a current display configuration state and a next display configuration state. This means that the Moore et al. reference also fails to teach a feature of the present invention to extract a transition effect based on a theme of the two sub-shots or who and what was in the two sub-shots. The Moore et al. reference, therefore, cannot achieve an

effect of the present invention which is to add effective transition effect according to a change in two scenes and an object/people relationship.

As described above, both the Hua et al. reference and the Moore et al. reference fail to teach or suggest, *inter alia*, features of Claim 1 of “obtaining, from metadata of the data, event information indicating a theme of two scenes sandwiching a position for a transition clip among all scenes in the data and/or object information indicating objects existing in the two scenes” and “extracting, based on the obtained event information and/or the obtained object information, at least one transition clip from among a plurality of transition clips stored in advance.”

As described above, the cited and applied references, i.e., the Hua et al. reference and the Moore et al. reference do not teach or suggest all of the features of independent Claim 1. Accordingly, Claim 1 is believed allowable.

Independent Claim 11 includes similar features as Claim 1 and is believed allowable for at least the same reasons as Claim 1.

The remaining claims (Claims 4-6, 9-10 and 12-16) are dependent claims. Because the independent claims are all believed allowable, as described above, all of the claims depending therefrom are also believed allowable for at least the same reasons as discussed above with reference to the independent claims. Furthermore, each dependent claim is also deemed to define an additional aspect of the invention, and individual consideration of each on its own merits is respectfully requested.

**All of the Pending Claims Are Allowable**

As described above, all of the claims (including the new claims) include features that are not taught or suggested by the cited and applied references, i.e., the Hua et al. reference and the Moore et al. reference.

Furthermore, the amendments to the claims and the new claims are all supported by the specification as filed as exemplified below. With reference to Claim 13, for example, the correlation obtaining step is shown, for example at S51 in Fig. 5, the first impression and/or effect information (information obtained

from information in "EFFECT") is shown, for example, in Fig. 9, meaning classification, the impression and/or effect obtaining step is shown, for example, at S52 in Fig.5, and the second impression and/or effect information; information in "EFFECT AND INTENSITY" is shown, for example, in Fig. 8, and a transition clip extracting step is shown, for example, at S53 in Fig. 5. With reference to Claim 14, for example, a correlation storage unit is shown, for example, in Fig. 10. With reference to Claim 15, for example, an impression and/or effect storage unit is shown, for example, in Fig. 9. With reference to Claim 16, for example, an additional information storage unit is shown, for example, in Fig. 8.

### **CONCLUSION**

Applicants respectfully submit that all of the claims pending in the application meet the requirements for patentability and respectfully request that the Examiner indicate the allowance of such claims.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

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Should the Examiner have any questions, the Examiner may contact Applicants' representative at the telephone number below.

Respectfully submitted,

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/Marlene Klein/

Date

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